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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORLAND DIVISION

TYLER MILLER, an individual,

Plaintiff,

vs.

HENRY HEIMULLER, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; BRUCE HOLSEY, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; JEFF FLATT, in his official capacity as Board Member of the Columbia 9-1-1 Communications District; and SHELLEY HENNESSY, in her official capacity as Board Member of the Columbia 9-1-1 Communications District,

Defendants.

Case No. 3:23-cv-00293-SI

DECLARATION OF DREW EYMAN REGARDING EFFORTS TO SERVE DEFENDANTS

I, Drew Eyman, declare as follows:

1. I am one of the attorneys for plaintiff Tyler Miller, and make this declaration in that capacity and based on my personal knowledge. If called upon to do so, I would testify truthfully as follows.

2. On March 1, 2023 at approximately 9:05 am, my colleague, Cliff Davidson, emailed Michael Peterkin regarding the filing of this lawsuit, attaching the complaint and motion for temporary restraining order, asking whether Mr. Peterkin is authorized to accept service, and seeking to confer on a briefing schedule for the motion for temporary restraining order. I was copied on that email.

3. On March 1, 2023 at approximately 9:08 am, my colleague, Cliff Davidson received an automated out of office reply from Mr. Peterkin, which instructed us to call his legal assistant, Melia, for immediate assistance. Cliff Davidson forwarded to me a copy of that automated out of office reply.

4. On March 1, 2023 at approximately 9:50 am, my legal assistant emailed the following documents to a process server and asked that they be served as soon as possible: four summonses, complaint, motion for temporary restraining order, declaration of Tyler Miller, and civil case assignment order. My legal assistant forwarded me a copy of that email.

5. On March 1, 2023 at approximately 10:04 am, I called and spoke to Mr. Peterkin's legal assistant, Melia. I told Melia about the existence of this lawsuit and motion for temporary restraining order, that we want to know if Mr. Peterkin or someone else at his firm can accept service, and that we are attempting to reach Mr. Peterkin to confer on a hearing on the motion for temporary restraining order. Melia said that she would attempt to reach Mr. Peterkin and get back to us.

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this declaration on March 1, 2023, at Portland, Oregon.

s/ Drew Eyman

Drew Eyman

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